

Attorney Docket No. 3177 P 408

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Stephen Alan Smith et al.

Application No.: 10/826,968

Confirmation No.: 1182

Filed On: April 15, 2004

Examiner: James N. Smalley

Art Unit: 3727

For: CONTAINER LID WITH CLOSURE
MEMBER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Dear Commissioner:

I, Paul J. Nykaza, represent that I am an attorney of record for this Application. The present owner of the entire interest in this Application is Solo Cup Company (hereinafter referred to as "Disclaimant").

Disclaimant hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant Application, which would extend beyond the expiration date of the full statutory term, as defined in 35 U.S.C. §§ 154 to 156, of U.S. Patent No. 6,679,397 entitled, "Container Lid With Closure Member." Disclaimant hereby agrees that any patent so granted on the instant Application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant Application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the Disclaimant does not disclaim the terminal part of any patent granted on the instant Application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 of the prior patents, in the event that it later:

expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

The present Terminal Disclaimer is accompanied by the statutory fee of \$130.00, as set forth in 37 C.F.R. §1.20(d). The Commissioner is hereby authorized to charge any deficit in fees to Deposit Account No. 23-0280. A duplicate copy of this Terminal Disclaimer is attached.

Respectfully submitted,

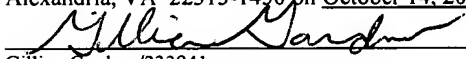
Dated: October 14, 2005

By: 

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CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service, with first class postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 14, 2005.


Gillian Gardner/233841